

MEMORANDUM

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director

DATE: November 3, 2014

SUBJECT: Public Hearing Report for ZC #14-15
N and South Capitol Streets, SE
Zoning Commission Design Review Under the Capitol Gateway Overlay

I. SUMMARY RECOMMENDATION

The application successfully addresses many of the criteria of the Capitol Gateway Overlay and the Office of Planning (OP) strongly supports the project. OP has requested that the applicant commit to achieve the equivalent of a higher LEED rating than what is currently proposed, and pending resolution of that issue would have no objection to the overall application. OP also supports the requested loading and rooftop structure relief, but recommends denial of the requested court variance.

II. APPLICATION-IN-BRIEF

Location	Northeast corner of N and South Capitol Streets, SE Ward 6, ANC 6D
Applicant	1244 South Capitol Residential, LLC (JBG)
Zoning	CR / CG (Commercial Residential / Capitol Gateway Overlay)
Site Area	29,626 sf
Proposed Development	A 130', 9.08 FAR mixed use building with residential and retail. Residential 250,781 sf (290 units; Only 243,886 counts toward FAR.) Retail 25,085 sf Total 275,866 sf
Relief	Pursuant to 11 DCMR §1610.7, the following relief is requested in order to develop as proposed: <ol style="list-style-type: none"> 1. Variance from court requirements (§ 638.2(a)), to provide a 10 foot wide and 330 square foot court, where a 38 foot wide and 2,888 square foot court is required. 2. Variance from loading requirements (§ 2201) to provide no 55' berths where one is required. 3. Special Exception from penthouse setback requirements (§ 630.4(b)), to provide a zero setback at the courtyard wall where an 18'6" setback is required.

III. SITE AND AREA DESCRIPTION

The subject property is located on N Street, SE, between South Capitol Street and Van Street, in Square 700. N Street has a 90 foot right-of-way, South Capitol Street is 160 feet wide, and Van Street is 50 feet wide. The subject site is currently vacant. It is zoned CR / CG (Commercial Residential / Capitol Gateway Overlay), as are the other properties in Square 700 and 701 to the east. Please refer to the Vicinity Map in Attachment 2. The Navy Yard metro station west entrance is two blocks to the northeast at the corner of M and Half Streets.

A self-storage warehouse is located on the lot to the north, which is served by a driveway along the boundary with the subject property. West of South Capitol Street are one story commercial uses which are zoned CG/C-2-C (medium density mixed use). A baseball parking garage is across N Street to the south. Across Van Street is the site of case 08-30, approved by the Commission in 2009. In that application, Akridge received approval for a mixed use project with office, residential and retail that occupied the entire eastern half of Square 700 in two buildings to a height of 110 feet. At ground level, facing the subject site, the Akridge project will have some retail on Van Street, but also a parking entrance, loading and transformer vaults.

IV. PROJECT DESCRIPTION

The application proposes a 130', 13-story residential building with ground floor retail. The total FAR would be 9.08, with 25,085 square feet of retail and 250,781 square feet of residential (Plan Set, Sheet A105).

Retail would occupy all of the N Street ground floor façade, all of the South Capitol façade but for emergency exits, and over half of the Van Street façade. The northern portion of the Van Street ground floor would be comprised of a parking ramp entrance, the residential lobby, and the loading bay. OP has suggested to the applicant that the design could be improved by moving the very attractive residential entrance (Sheets A409 and L04) to the south so that it is adjacent to the retail, and not on an island between the more utilitarian parking entrance and the loading bay.

At the southern end of the building the plans show two stories of retail, which would actually be equivalent to three stories of the residential portion of the building, with a double-height commercial space beginning at the second floor (Sheets A405 and A502). Unlike other areas in the CG Overlay, there is no specific retail requirement, but the considerable retail frontage for this property is consistent with the intent of the overlay in promoting entertainment uses and uses that complement the ballpark environment. In conformance with the provisions of the CG Overlay, the building would be set back 15 feet from the South Capitol Street property line, with additional pedestrian space reserved at the ground level.

Residential units would begin on the second floor, and a central courtyard for resident use would also be accessed at that level. Units would form a ring around the courtyard and along the perimeter of the property. Along the northern party wall, a court would also begin on the second floor. This court, as well as some at-risk windows, would provide the only light and air to the

two central tiers of units on the northern façade (Sheet A302). Although OP knows of no plans to redevelop the adjacent self-storage site, OP is very concerned about the quality of the central units should a new building be built to the property line.

Beginning at the seventh floor, a break in the building mass along South Capitol Street creates room for a communal terrace (Sheet A306). A slight inset in the building mass also begins at the seventh floor on the Van Street side, which echoes the break on the west side of the building. Private terraces are formed on the 12th and 13th floors where the building steps back on the South Capitol Street side, in conformance with the CG Overlay. 12th floor units on the north, east and south would also have small terraces where the building mass steps back. On the roof level, the design proposes several amenities for the building residents. The application materials do not provide detail about the area labeled “Accessory Recreation Space” on Sheet A310, or the amount of green roof. According to the applicant, the accessory space is contemplated for club room and lounging area for residents and guests. The applicant has also communicated to OP that the total area of green roof is 10,327 square feet, or approximately 35% of the site area. Sheet L09 shows the extent of the green roof. OP appreciates the high quality of design for the penthouse structure, as seen in elevation on Sheet A401.

OP is very supportive of the overall design of the proposal. The Capitol Gateway Overlay, as described in additional detail later in this report, seeks to create an active pedestrian and transit-oriented environment and a vibrant entertainment district, especially in the area north of the ballpark. This project should help achieve those aims with a cohesive pedestrian environment with curb cuts concentrated on Van Street and retail frontage on Van, N and South Capitol Streets. The materials used on the skin of the building are predominantly glass, ironspot brick and metal panel. The vehicular entrances are made as attractive as possible with frosted glass doors. Balconies enhance the N Street façade (Sheets A402 and A405), and could be incorporated into the Van and South Capitol façades as well. OP strongly supports the use of brick on the northern façade, which would maximize the attractiveness of an at-risk party wall. The application includes a basic materials sheet on page A413 of the plan set.

V. COMPREHENSIVE PLAN

The proposed development does not require PUD or rezoning approval, and is generally consistent with most aspects of the zoning regulations, specifically height, FAR and use. The proposal is generally consistent with the Comprehensive Plan and would further the following Guiding Principles of the Plan, as outlined in Chapter 2, the Framework Element:

1. Change in the District of Columbia is both inevitable and desirable. The key is to manage change in ways that protect the positive aspects of life in the city and reduce negatives such as poverty, crime, and homelessness. 217.1
6. Redevelopment and infill opportunities along corridors and near transit stations will be an important component of reinvigorating and enhancing our neighborhoods. Development on such sites must not compromise the integrity of stable neighborhoods and must be

designed to respect the broader community context. Adequate infrastructure capacity should be ensured as growth occurs. 217.6

7. Growth in the District benefits not only District residents, but the region as well. By accommodating a larger number of jobs and residents, we can create the critical mass needed to support new services, sustain public transit, and improve regional environmental quality. 217.7
27. Washington's wide avenues are a lasting legacy of the 1791 L'Enfant Plan and are still one of the city's most distinctive features. The "great streets" of the city should be reinforced as an element of Washington's design through transportation, streetscape, and economic development programs. 220.3
35. Planning decisions should improve the health of District residents by reducing exposure to hazardous materials, improving the quality of surface and groundwater, and encouraging land use patterns and land uses that reduce air pollution and facilitate pedestrian and bicycle travel. 221.4

The application is also consistent with major policies from various elements of the Comprehensive Plan including the Land Use, Transportation and Economic Development Citywide Elements, and the Lower Anacostia Waterfront / Near Southwest Area Element. For a complete analysis of the project against Plan guidelines, please refer to Attachment 1.

VI. ZONING

The subject site is zoned CR / CG (Commercial-Residential / Capitol Gateway Overlay). The CR district is designed to "help create major new residential and mixed use areas in planned locations at appropriate densities, heights and mixture of uses" (600.3(a)). The Capitol Gateway Overlay is intended to encourage a mix of uses while creating a pedestrian-friendly environment. The applicant's proposal requires relief from the following specific zoning regulation:

1. Variance from court requirements (§ 638.2(a))

The 114 foot-tall court at the northern wall would require relief from the minimum dimensional requirements as shown in the table below.

	Requirement	Provided
Court Width (4 in. / ft. of height)	38'	10'
Court Area (2*(width^2))	2,888 sf	330 sf

The Office of Planning does not find persuasive the application's noted exceptional conditions affecting the property. OP disagrees with the characterization that the property is "comparatively a very long and narrow site" (October 24th Written Statement, p. 15), and that the CG Overlay

itself creates an exceptional condition. The practical difficulty cited in the application seems to focus on the inability to provide sufficient leasable floor area, but the allowable FARs in any zone are not guaranteed and are only achievable while complying with other applicable regulations. Granting relief would impair the public good by putting at risk the quality of the living environments of future residents of this building through severe limitations on light and air should the adjacent property be developed to the property line. Allowing a court of the dimensions proposed would also impair the intent of the Zoning Regulations, which intend to provide sufficient light and air to units fronting on enclosed spaces. As such, while some relief from the requirement may be justified, OP does not support the extent of relief proposed.

2. Variance from loading requirements (§ 2201)

The building would provide loading per the following table, and the application requests relief from the requirement for a 55 foot berth.

Item	Required		Provided
	Retail	Residential	
55 foot berth	n/a	1	0
30 foot berth	2	n/a	2
20 foot delivery space	1	1	2
100 square foot platform	2	n/a	Sheet A301 shows a platform with an area of at least 200 sf
200 square foot platform	n/a	1	

The narrow dimension of Van Street is an exceptional condition. The applicant has studied the movements for a 55 foot truck in Van Street and found that the truck could not access the loading dock without crossing over sidewalks. The narrowness of the street creates a practical difficulty for the applicant since providing a 55 foot berth could result in impacts to either the public space or significant impacts to the ground floor design. Providing only 30 foot berths would not impact the public good or intent of the Regulations. In the District it is typical that residential tenants are only served by 30 foot trucks, and the applicant has proposed a loading management plan on page 21 of the transportation study.

3. Special exception from penthouse setback requirements (§ 630.4(b))

The application requests relief from the setback of the rooftop structure above the north wall of the central courtyard. That portion of the penthouse is not set back at a one-to-one ratio from the courtyard. A planting strip that OP estimates to be approximately two feet wide separates the penthouse wall from the wall below. Because it is to the north of the court it would not impact light available to units below, and there should be no impact on air circulation to the rest of the building. The structure would have no impacts on any other property. The appearance of that part of the rooftop structure would likely be minimal from the ground.

VII. CRITERIA OF THE CAPITOL GATEWAY OVERLAY

The Capitol Gateway Overlay District lists a number of objectives for the overlay and provides specific criteria for the Zoning Commission review of proposed developments. The following is OP's analysis of these standards as applied to the application.

§1600.2 The purposes of the CG Overlay District are to:

- (a) Assure development of the area with a mixture of residential and commercial uses, and a suitable height, bulk and design of buildings, as generally indicated in the Comprehensive Plan and recommended by planning studies of the area;**

The project proposes residential and retail uses, which are appropriate in the CG Overlay. The proposed height of 130 feet and the design shown by the applicant are generally appropriate to an area near the center of the city and accessible by Metro. OP supports the style of architecture. The massing of the building is not inconsistent with Comprehensive Plan direction for the area, nor the regulations of the overlay that govern building form.

- (b) Encourage a variety of support and visitor-related uses, such as retail, service, entertainment, cultural and hotel or inn uses;**

The project proposes ground floor retail, which would meet the intent of this section, and which would enhance the pedestrian experience along South Capitol, N and Van Streets. The retail would add to the planned entertainment and retail environment in the area near the baseball stadium. The influx of new residents would also help support local retail options.

- (g) Provide for the establishment of South Capitol Street as a monumental civic boulevard;**

Because of the residential use and concentration of ground floor retail, the proposed development would create an active pedestrian character on South Capitol Street. The design would also meet the CG Overlay by providing the 15' setback on South Capitol, maintaining the streetwall as prescribed by the CG regulations, and meeting the one-to-one setback above 110 feet. Overall the architecture would provide an appropriate infill building for this section of the boulevard.

§ 1602 Combined Lot Development

- § 1602.1(e) In addition to [the normal Combined Lot Development (CLD) procedures limiting FAR to 8.5], the Zoning Commission may, at its discretion, grant an additional transfer of density of 1.0 FAR maximum to or within Squares 700, 701, and 702, subject to the applicant addressing to the satisfaction of the Zoning Commission the objectives and guidelines of §§ 1601 and 1604 – 1607, as applicable.**

The applicant has generally addressed the objectives and guidelines of the relevant sections stated above. OP has no objection to the additional transfer of up to 0.65 FAR of CLD density.

§1605 Buildings, Structures, and Uses on South Capitol Street

§1605.1 The following provisions apply to new buildings, structures, or uses with frontage on South Capitol Street within the CG Overlay.

§1605.2 Each new building or structure located on South Capitol Street shall be set back for its entire height and frontage not less than 15 feet...

The design is set back at least 15 feet from the South Capitol Street property line.

§1605.3 Any portion of a building or structure that exceeds 110 feet in height shall provide an additional one-to-one (1:1) step-back from the building line along South Capitol Street.

The building would provide the one-to-one step back above the 110 foot height along the South Capitol Street façade.

§1605.4 No private driveway may be constructed or used from South Capitol Street to any parking or loading berth areas in or adjacent to a building or structure constructed after February 16, 2007.

Parking and loading will be accessed from Van Street, and no driveways are proposed for South Capitol Street.

§1605.5 For each new building or structure located on South Capitol Street, a minimum of 60% of the street-wall shall be constructed on the setback line...

The design proposes that more than 60% of the building face would be on the setback line.

§1610 Zoning Commission Review of Buildings, Structures and Uses

§1610.1 The following provisions apply to properties located:

- (c) On a lot located within Squares 700 or 701, north of the Ballpark site;**
- (d) On a lot that abuts South Capitol Street...;**

- (f) Any lot which is the recipient of density through the combined lot provisions of § 1602.**

§1610.2 With respect to those properties described in § 1610.1, all proposed uses, buildings, and structures, or any proposed exterior renovation to any existing buildings or structures that would result in an alteration of the exterior design, shall be subject to review and approval by the Zoning Commission in accordance with the following provisions.

§1610.3 In addition to proving that the proposed use, building, or structure meets the standards set forth in § 3104, an applicant requesting approval under this section must prove that the proposed building or structure, including the siting, architectural design, site plan, landscaping, sidewalk treatment, and operation, will:

- (a) Help achieve the objectives of the CG Overlay District as set forth in §1600.2;**

The project would help achieve the objectives of the CG Overlay. The project would add a mix of uses to the area, including ground floor retail. The height and bulk of the building would be appropriate and as prescribed by the Comprehensive Plan, and would help establish South Capitol Street as a monumental civic boulevard. The development would provide adequate sidewalk width along N, Van and South Capitol Streets.

- (b) Help achieve the desired mixture of uses in the CG Overlay District as set forth in §§ 1600.2(a) and (b), with the identified preferred uses specifically being residential, hotel or inn, cultural, entertainment, retail or service uses;**

The proposal would provide residential and retail, appropriate uses in an area developing as a mixed use neighborhood with a focus on entertainment and hospitality uses. Retail is identified as a preferred use in the CG overlay.

- (c) Be in context with the surrounding neighborhood and street patterns;**

The proposed development would respect and enhance the surrounding neighborhood and street patterns. The neighborhood has an emerging architectural character with some of the new buildings on M Street and the baseball stadium sharing a modern vernacular. The design of the proposed building would expand on that trend by using traditional materials in a modern way, and by incorporating active street-level retail typical of an urban entertainment area.

- (d) Minimize conflict between vehicles and pedestrians;**

The proposed design would generally help to minimize conflict between vehicles and pedestrians. All loading and parking would be accessed from Van Street, which serves as an

alley for this square. The placement of the residential lobby between the parking ramp and the loading dock is awkward; OP feels the design could be improved by placing the lobby next to the retail space and consolidating the parking ramp and loading. However, OP does not anticipate a large number of vehicle / pedestrian conflicts, with projections indicating only one car exiting or entering the garage every 43 seconds, on average, even during the busiest hour of the day. Please refer to Table 13 on page 38 of the transportation study. The residential entrance on Van Street would help to activate that thoroughfare.

On South Capitol and N Streets pedestrians would have wide sidewalks and would be buffered from traffic by parked cars and landscaping. The revised Zoning Commission plans do not show the street furniture that was shown in the original submission. While OP appreciates the efforts to enliven the overall public realm, and in general favors extensive outdoor seating, the applicant will have to receive approval from the Public Space Committee for any non-standard features in public space. The applicant is also providing 110 bicycle parking spaces, which should encourage bicycle use and further reduce auto demand.

(e) Minimize unarticulated blank walls adjacent to public spaces through facade articulation; and

The building would have almost no blank walls fronting public space. The ground floor would be mostly retail with glass storefronts, residential building entrances, and the garage and loading doors. At the southern end of the building, the façade is further activated with double-story retail.

(f) Minimize impact on the environment, as demonstrated through the provision of an evaluation of the proposal against LEED certification standards.

Based on the LEED checklist provided on Sheet A107, the building would definitely qualify for 41 points, the equivalent of the Certified level. OP finds this inadequate. To fully achieve this objective of the Overlay, the applicant should commit to achieve the equivalent of at least a LEED Silver level or higher.

1610.6 With respect to a building or structure which has frontage on South Capitol Street, SE:

(a) The building or structure shall incorporate massing, materials, and buildings and streetscape landscaping to further the design and development of properties in a manner that is sensitive to the establishment of South Capitol Street as a monumental civic boulevard;

The design would meet the provisions of the CG Overlay by providing a 15' setback on South Capitol, resulting in a wide sidewalk. Based on the plans submitted to date, it appears that the retail environment would lead to a very active streetscape on the area of the private property

setback. The applicant will work with the Public Space Committee to achieve a public realm suitable for South Capitol Street that complements the activity happening on private property. The building design would also establish the streetwall and setbacks as intended by the CG regulations and the architecture would be generally appropriate for this location.

- (b) **The building or structure shall incorporate massing, location of access to parking and loading, and location of service areas to recognize the proximate residential neighborhood use and context, as applicable;**

The design uses appropriate locations for access to parking and loading, away from the two most major streets, and on the tertiary road, Van Street. The design also provides adequate pedestrian space on the adjacent sidewalks to encourage a walkable neighborhood.

- (c) **The application shall include a view analysis that assesses openness of views and vistas around, including views toward the Capitol Dome, other federal monumental buildings, the Ballpark, and the waterfront.**

The application includes a number of photographs and renderings of the site with views toward the Capitol and to the south, as well as along N and Van Streets. The building would help frame the view along South Capitol Street, a major urban boulevard. The building would not impact the views of other monumental buildings, the Ballpark, or the waterfront. Also, the design does not ignore the north façade, but rather maintains the same level of materials as the rest of the building, and proposes some at risk windows to break up the wall.

§1610.7 The Commission may hear and decide any additional requests for special exception or variance relief needed for the subject property. Such requests shall be advertised, heard, and decided together with the application for Zoning Commission review and approval.

As described in this report, the design of the project would require relief from court, rooftop structure and loading provisions of the Regulations.

VIII. COMMUNITY COMMENTS

As of this writing OP has received no comments on the project from the community, but the ANC has unanimously voted to support the project.

IX. ATTACHMENTS

1. Comprehensive Plan Analysis
2. Vicinity Map

Attachment 1 Comprehensive Plan Analysis

Comprehensive Plan Policies

The Land Use Element encourages infill development and development near metro stations (Policies LU-1.3.1 and LU-1.3.2). That element also envisions the neighborhood near the baseball stadium as one of the areas for growth of the central city, with significant office and residential development (§304.3). The Transportation Element supports transit-oriented development and discourages auto-oriented uses (T-1.1.4 and T-1.2.3). The proposed development would concentrate residential and retail two blocks from a Metro entrance and improve the streetscape to encourage walking. The Economic Development Element policies seek to enhance DC as a regional shopping destination and also promote “new and enhanced visitor and entertainment venues” to draw national and international visitors (Policies ED-2.2.2 and 2.3.2). The retail in the proposed development could potentially be used for a restaurant or other visitor-related uses.

The Lower Anacostia Waterfront / Near Southwest Area Element encourages the development of new neighborhoods on lands that are vacant or available for redevelopment, and especially emphasizes the need to provide additional retail options for these areas (Policies AW-1.1.2 and 1.1.3). That element goes on to emphasize the need for a pedestrian friendly environment (Policy AW-1.1.6). The proposed development would be a major factor in creating a new, walkable and mixed use neighborhood in near southeast and would not be inconsistent with the policies of the Comprehensive Plan.

Comprehensive Plan Land Use Maps

The Comprehensive Plan’s Generalized Policy Map describes this neighborhood as a Land Use Change Area. The Comprehensive Plan anticipates and encourages the redevelopment of underutilized sites in Land Use Change Areas. Plan policies promote a mix of uses in these areas as well as “exemplary site and architectural design” (Comprehensive Plan, §223.12). The plan notes that these areas have the potential to become complete mixed use communities (§223.11). The Future Land Use Map designates this area for a mix of High Density Residential and High Density Commercial uses. These designations are the most dense in the city and are characteristic of areas like downtown. The proposed development is not inconsistent with the Comprehensive Plan’s land use map designations.

Anacostia Waterfront Initiative

The subject site is within the Anacostia Waterfront Initiative (AWI) area. The vision of the AWI is of a clean and vibrant waterfront with a variety of parks, recreation opportunities, and places for people to meet, relax, encounter nature and experience the heritage of the waterfront. The AWI also seeks to revitalize surrounding neighborhoods, enhance and protect park areas, improve water quality and environment, and, where appropriate, increase access to the water and

maritime activities along the waterfront. One of the neighborhoods designated for improvement is the Near Southeast target area, which includes the subject site. The proposed development is not in conflict with planning principles cited in the AWI for the Near Southeast target area (AWI Framework Plan, p. 119), and would particularly further the following:

1. Extend the surrounding urban fabric to the waterfront, bringing the city to the Anacostia River.
2. Build upon the current wave of public and private development to create a comprehensive vision for the Near Southeast, integrating diverse projects.
7. Emphasize mixed-use development, integrating commercial and residential areas, to form a lively and active neighborhood throughout the Near Southeast.
9. Encourage commercial development to maximize economic growth and job creation, emphasizing major street corridors and transit connections.

ATTACHMENT 2 VICINITY MAP

